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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,558	04/22/2004	Pierre Willard	5266-10500	6359
44015	7590	06/28/2007		
OPTV/MEYERTONS RORY D. RANKIN P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER CORRIELUS, JEAN M	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 06/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,558

Applicant(s)

WILLARD ET AL.

Examiner

Jean M. Corrielus

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2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response the amendment filed on April 16, 2007, in which claims 1-25 are presented for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 10 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2, 10 and 22 recite, "said first module comprises a main directory module, and wherein said additional data comprises a delta directory module". It is not clear how a first module can comprise a main directory module and how additional data a delta directory module. Applicant should duly note that a module is a unit of transmission, which is a container of objects and comprises a number of download data blocks messages, whereas a data is a document. It is not understood to one having ordinary skill in the art how a module and data would comprise a main directory module and delta directory module respectively.

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5. Claims 1, 9 and 21 recite the limitation " receive additional data ". It is unclear as to what additional data the applicant is referred to. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soepenberget al., hereinafter "Soepenberget" US Patent Publication. 20020059645 in view of Campbell US Patent no. 6,377,951.

As to claim 1, Soepenberget provides a transmission system comprising a transmitter and at least one receiver configured to receive signals transmitted therefrom, wherein carousel-forming data file and directory objects are sent in cycles with predetermined groups of file and directory objects being formed into respective modules at the transmitter, with each module being transmitted as a whole, and the receiver being arranged to store received file data and directory objects under a predetermined grouping formulation. In particular Soepenberget discloses the claimed "receiving a first module which identifies a plurality of modules for use by an application and performing said update" (directory modules comprise a version indicator to identify updates, with said modules, wherein the discrete data portions carried in an elementary data stream, with said predetermined grouping formulation for storage being at the elementary

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level, see [0016]). Soepenbergs does not explicitly receive additional data corresponding to said application, wherein said additional data identifies fewer than all of said plurality of modules and identifies an update to be made to one or more of said first module and said plurality of modules. Soepenbergs, however, broadcasts all the modules to replace the existing modules, see the three versions M1, M2, M3, wherein the first version is valid from time=0 (the beginning of the recording) to time t1, the second from t1 to t2 and the third from t2 to t3 (the end of the recording), until the recording are stored all three versions M1-3 of the module together with an indication for the interval in which they are valid, [0032]; [0036]).

Campbell, on the other hand, discloses the claimed features "receiving data corresponding to said application, wherein said data identifies fewer than all of said plurality of modules and identifies an update to be made to one or more of said first module and said plurality of modules" (by identifying a portion of the modules blocks that need to be updated and broadcasting only that module blocks from the delta directory to the destination, wherein the host module blocks having origin dates more recent than corresponding user module blocks, are downloaded as updated blocks over the communications channel to the user terminal, see col.).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references. Soepenbergs and Campbell, the both are directed to update information and they are from the same field of endeavor. Soepenbergs deals with broadcast updated modules of a television program to a receiver, whereas, Campbell is directed to broadcast updated version of a software modules from server to a client. On having ordinary skill in the art would have found it motivated to use a

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fewer than the plurality of modules to broadcast to the destination location for the purpose of selectively updating the relevant user module blocks of information.

As to claim 2, Soepenbergh discloses the claimed “wherein said first module comprises a main directory module which is pushed” (each module being transmitted is stored in a directory objects, see [0013]), and wherein said additional data comprises a delta directory module which corresponds to said main directory module” (the directory modules comprises version indicator to identify updated module, in general the updated modules are stored in the directory module, see [0016]) also (Campbell's col.7, lines 1-9, modules folder).

As to claim 3, Soepenbergh discloses the claimed “wherein said received main directory module is stored in a memory of a receiving device, and wherein said update comprises directly modifying said main directory module stored in memory” (the directory modules comprises version indicator to identify updated module, in general the updated modules are stored in the directory module, see [0016]), and also (Campbell's col.1, line 66-col.2, line 3).

As to claim 4, Soepenbergh discloses the claimed “wherein said delta directory includes an identifier which indicates a version to which said main directory is updated in response to performing said update identified by said delta directory” (the directory modules comprises version indicator to identify updated module, see [0016]) (see Campbell, col.8, lines 11-18, most recent information).

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As to claim 5, Campbell discloses the claimed “wherein in response to performing said update, corresponding changes are effected in one or more of said plurality of modules, said corresponding changes being selected from the group consisting of: the addition of a new module; the removal of an existing module; and revisions to an existing module” (Campbell's col.6, lines 58-64, replace the out dated modules with the most recent information).

As to claim 6, Campbell discloses the claimed “wherein said plurality of modules comprise one or both of executable application code or data for access by said application during execution” (Campbell's col.24, lines 7-10).

As to claim 7, Campbell discloses the claimed “wherein said first module is pushed and wherein said method further comprises said application utilizing said additional data to register changes to the first module” (see Campbell's col.18, lines 14-23).

As to claim 8, Campbell discloses the claimed “wherein said additional data is pulled by said application” (Campbell's col.7, lines 38-40).

As to claims 9-16:

Claims 9-16 are receiving device claims. They are rejected under the same rationale as claims 1-8 above. In addition, Soepenbergh discloses a processing unit (receiver, headend of the CATV network, see [0024]).

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As to claims 17-20:

Claims 17-20 are broadcast station for performing the method of claims 1-8 above. They are rejected under the same rationale. In addition, an server configured to convey data for use by an application; a transmitter configured to convey data for broadcast ([0035], providing modules on demand, a special interface between the multimedia platform-specific device and the storage device, the performance of the application depends on the order in which the modules are being transmitted, and the broadcaster has probably put the modules in a performance-wise optimal order, and the play-out of a versioned file system (object carousel) may be undertaken at a higher bit rate than originally broadcast, [0036].

As to claims 21-25:

Claims 21-25 are product claimed comprising instructions for executing the method of claims 1-8 above. They are, therefore, rejected under the same rationale.

Conclusion

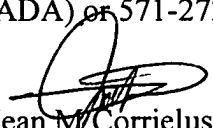
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032.

The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jean M. Corrielus
Primary Examiner
Art Unit 2162

June 25, 2007